

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

JOHN BURTON,  
Plaintiff,

vs.

CRYSTAL BENSON, et al.,  
Defendants.

NO. CV-06-0273-JLQ

ORDER DENYING DEFENDANT  
COOPER'S MOTION TO DISMISS  
FILED JUNE 7, 2007

On June 7, 2007, Defendant Cooper filed a Motion to Dismiss which related to the claims asserted in Plaintiff's First Amended Complaint which Plaintiff had filed while proceeding pro se. The court stayed the motion to dismiss after Plaintiff was granted leave to amend his complaint. Plaintiff has now filed a Third Amended Complaint, this time with the assistance of counsel. Given the amendment, the court hereby **DENIES** without prejudice Plaintiff's earlier filed Motion to Dismiss (Ct. Rec. 75) as **MOOT**. Defendant Cooper may renew any relevant argument previously made in a newly filed motion pertaining to the Third Amended Complaint.

**IT IS SO ORDERED.** The Clerk of this court shall enter this Order and forward copies to counsel.

**DATED** this 2nd day of November, 2007.

s/ Justin L. Quackenbush  
JUSTIN L. QUACKENBUSH

SENIOR UNITED STATES DISTRICT JUDGE